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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 IN RE: REQUEST FOR JUDICIAL) Case No. 3:23-mc-80333
ASSISTANCE FROM NATIONAL COURT)
OF FIRST INSTANCE ON CIVIL)
MATTERS NO. 2 OF THE AUTONOMOUS) **DECLARATION OF DAVID M. DEVITO**
CITY OF BUENOS AIRES, ARGENTINE)
REPUBLIC)
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1 Pursuant to 28 U.S.C. § 1746, I, David M. DeVito, declare as follows:

2 1. I am an Assistant United States Attorney in the Office of the United States Attorney for
3 the Northern District of California, counsel for the United States of America. I make this declaration
4 upon information and belief based upon the attached exhibits and communications with personnel in the
5 U.S. Department of Justice, to which a Letter of Request has been transmitted for execution. I make this
6 declaration in support of the United States' request, pursuant to 28 U.S.C. § 1782(a), for an Order
7 appointing me Commissioner for the purpose of obtaining information from Google LLC ("Google").

8 2. In connection with a judicial proceeding before the National Court of First Instance on
9 Civil Matters No. 2 of the Autonomous City of Buenos Aires, Argentine Republic ("Argentine Court")
10 captioned *Roman Ezequiel Sivori v. Farolatino S.A., et al.*, Ref. No. 1124/2022, the Argentine Court
11 issued a Letter of Request seeking information from Google. The Letter of Request was transmitted to
12 the U.S. Department of Justice, Civil Division, Office of Foreign Litigation, Office of International
13 Judicial Assistance ("OJJA") in Washington, D.C. The request was then transmitted to the U.S.
14 Attorney's Office for the Northern District of California. A true and correct copy of the Letter of
15 Request from the Argentine Court is attached hereto as Exhibit 1.

16 3. The specific information requested by the Argentine Court is reflected in a subpoena
17 addressed to Google, which the United States intends to serve (in substantially similar format) upon my
18 appointment as Commissioner. A true and correct copy of the proposed subpoena is attached hereto as
19 Exhibit 2.

20 4. On October 6, 2023, I contacted Google; sent Google the Letter of Request; and asked
21 whether Google would voluntarily produce the requested information.

22 5. On October 26, 2023, I spoke with a representative of Google, who advised that Google
23 declines to produce the requested information without a subpoena or court order.

24 6. To assist the Argentine Court in obtaining the requested information, I respectfully
25 request that this Court enter the proposed Order attached to the Application appointing me
26 Commissioner.

27 7. To the best of my knowledge, no previous Application for the relief sought herein has
28 been made.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th day
2 of December 2023.

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4 *s/*David M. DeVito
5 DAVID M. DEVITO
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